

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Southern Division)**

DAN FRANKENSTEIN, individually,  
and on behalf of all others similarly  
situated, and on behalf of the HMSHOST  
401(k) RETIREMENT SAVINGS PLAN  
AND TRUST,

Plaintiff,

v.

HOST INTERNATIONAL, INC.; HMSHOST  
401(k) RETIREMENT SAVINGS PLAN  
AND TRUST RETIREMENT COMMITTEE;  
COLEMAN LAUERBACH; and DOES NO.  
1-10, Whose Names Are Currently Unknown,

Defendants.

Case No.: 8:20-cv-01100-PJM

**ORAL HEARING REQUESTED**

**DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Defendants Host International Inc., the HMSHost 401(k) Retirement Savings Plan and Trust Retirement Committee, and Coleman Lauterbach,<sup>1</sup> through their counsel and based upon the accompanying Memorandum of Law and exhibits attached thereto, hereby submit this Motion to Dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), seeking dismissal of Plaintiff's Class Action Complaint with prejudice and any other relief that the Court deems proper.

Pursuant to Local Rule 105(6), Defendants respectfully request an oral hearing on this Motion.

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<sup>1</sup> Coleman Lauterbach is incorrectly named in the Complaint as Coleman Lauerbach.

Dated: August 20, 2020

**JACKSON LEWIS P.C.**

/s/ Bernard G. Dennis

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***Attorneys for Defendants***

*\*Admitted Pro Hac Vice*

**CERTIFICATE OF SERVICE**

I CERTIFY that, on August 20, 2020, a true and accurate copy of the foregoing *Defendants' Motion to Dismiss Plaintiff's Complaint* was electronically filed with the Clerk's Office using this Court's electronic filing system, which will then send a notice of electronic filing to the following:

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/s/ Bernard G. Dennis, III  
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